

17CV7076

DISTRICT OF NEW YORK

SOUTHERN DISTRICT OF NEW YORK

2017 SEP 18 AM 9:28

JOHN P. DASH III,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES

LLC, a foreign limited liability company,

Defendant.

Plaintiff alleges that at all times material:

Case No.

COMPLAINT

Fair Credit Reporting Act (15 U.S.C. § 1681

et seq.)

Demand for Jury Trial

1. This is a civil action brought under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681. The Court has jurisdiction pursuant to 15 U.S.C. § 1681.

2. Plaintiff John P. Dash III ("plaintiff") is a natural person residing in the State of New York, as defined by the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681a(c).

3. Defendant, Equifax Information Services, LLC, ("Equifax" or "Defendant") is a Consumer Reporting Agency as defined by the FCRA, 15 U.S.C. § 1681a(f).

4. Equifax has not complied with the FCRA in safeguarding plaintiff's personal information.

5. On or about July 29, 2017, plaintiff's personal information was compromised.

6. On or about September 7, 2017, plaintiff became aware of the security breach. Defendant failed to notify plaintiff in a timely and reasonable fashion.

7. Defendant was negligent in securing Plaintiff's name, social security number, and address. Defendant did not follow reasonable procedures in keeping an adequate system of securing plaintiff's personal information.

8. Plaintiff is subjected to identity theft due to negligence of Defendant's lack of internal controls in securing consumers files and information.

CLAIM FOR RELIEF

(FCRA-15 U.S.C. §1681)

9. Plaintiff re-alleges paragraphs 1- 8 as if fully set forth herein..

Equifax willfully failed to comply with the requirements imposed under the FCRA, 15

U.S.C. §1681, including but not limited to:

- a) failing to exercise their grave responsibilities with plaintiff's right to privacy
- b) failing to comply with reasonable procedures with regard to confidentiality with plaintiff's personal information.
- c) failing to notify plaintiff timely when defendant was aware of a security breach.
- d) failing to provide plaintiff his credit file pursuant to 15 U.S.C. §1681g.

10. As a result of Equifax's violations of the FCRA, Plaintiff has suffered, continues to suffer, and will suffer future damages, worry, distress and frustration to him, damages, in an amount to be determined by the jury.

11. Plaintiff is entitled to punitive damages in an amount to be determined by the jury.

12. Plaintiff is entitled to actual damages in an amount to be determined by the jury in addition to any statutory damages in an amount to be determined by the Court.

13. Plaintiff is entitled to his attorney fees, pursuant to 15 U.S.C. § 1681o.

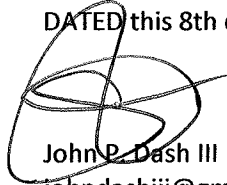
PRAYER

Plaintiff demands a jury trial on all claims. Wherefore plaintiff, John P. Dash III prays for a judgment as follows:

1. On Plaintiffs Claim for Relief for negligent violations of the FCRA against Defendant, Equifax:
 - a. Actual damages in an amount to be determined by the jury;
 - b. Punitive damages in an amount to be determined by the jury; and,
 - c. Statutory damages as determined by the court; and
 - d. Court costs.

3. On All Claims for Relief, costs and expenses incurred in this action.

DATED this 8th day of September 2017.

A handwritten signature in black ink, appearing to read "John P. Dash III", written over a circular stamp or seal.

John P. Dash III

johndashiii@gmail.com

Telephone (212) 490-2420X1

Facsimile (212) 490-0323

**CUSTOMER'S RECEIPT**SEE BACK OF THIS RECEIPT
FOR IMPORTANT CLAIM
INFORMATION**NOT
NEGOTIABLE**

Pay to

Clerk Court

Address

KEEP THIS
RECEIPT FOR
YOUR RECORDS

Serial Number

24695510264

Year, Month, Day

2017-09-08

Post Office

115200

Amount

\$400.00

Clerk

06

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
JOHN P. DASH III
ProSe

DEFENDANTS
EQUIFAX INFORMATION SERVICES LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)
PRO SE- %GOTHAM BMG

420 LEXINGTON AVENUE SUITE 300
NEW YORK, NY 10170 TEL 212-490-2420x1

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

FCRA 15 USC 1681 PLAINTIFF SEEKS RECOURSE UNDER THE FAIR CREDIT REPORTING ACT

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- [] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE INSTRUMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
[] 160 STOCKHOLDERS SUITS
[] 190 OTHER CONTRACT
[] 195 CONTRACT PRODUCT LIABILITY
[] 196 FRANCHISE

PERSONAL INJURY

- [] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT LIABILITY
[] 320 ASSAULT, LIBEL & SLANDER
[] 330 FEDERAL EMPLOYERS' LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE PRODUCT LIABILITY
[] 360 OTHER PERSONAL INJURY
[] 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- [] 440 OTHER CIVIL RIGHTS (Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES - OTHER
[] 448 EDUCATION

PERSONAL INJURY

- [] 367 HEALTHCARE/
[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[] 366 PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- [] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING
[] 380 OTHER PERSONAL PROPERTY DAMAGE
[] 385 PROPERTY DAMAGE PRODUCT LIABILITY

PRISONER PETITIONS

- [] 463 ALIEN DETAINEE
[] 510 MOTIONS TO VACATE SENTENCE
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- [] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- [] 625 DRUG RELATED SEIZURE OF PROPERTY
[] 21 USC 881
[] 690 OTHER

PROPERTY RIGHTS

- [] 820 COPYRIGHTS
[] 830 PATENT
[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 840 TRADEMARK

LABOR

- [] 710 FAIR LABOR STANDARDS ACT
[] 720 LABOR/MGMT RELATIONS
[] 740 RAILWAY LABOR ACT
[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)
[] 790 OTHER LABOR LITIGATION
[] 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- [] 462 NATURALIZATION APPLICATION
[] 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- [] 422 APPEAL
[] 28 USC 158
[] 423 WITHDRAWAL
[] 28 USC 157

SOCIAL SECURITY

- [] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

- [] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY
[] 26 USC 7609

OTHER STATUTES

- [] 375 FALSE CLAIMS
[] 376 QUI TAM
[] 400 STATE REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV
[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS
[] 893 ENVIRONMENTAL MATTERS
[] 895 FREEDOM OF INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

- [] 210 LAND
[] 220 CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

THE ORIGINAL COMPLAINT WAS SENT IN ANOTHER ENVELOPE ALONG WITH THE MONEY ORDER FOR THE FILING FEE. ATTACHED PLEASE FIND A COPY OF THE COMPLAINT.

2017 SEP 13 PM 6:28
2017 SEP 13 PM 6:28

uite 300

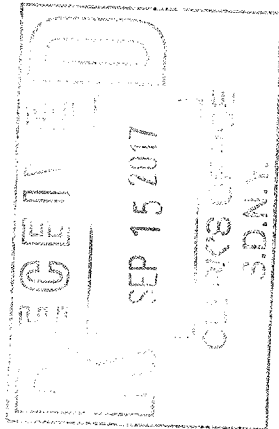


1000



10007

U.S. POSTAGE
PAID
FREEPORT, NY
11520
SEP 08, 17
AMOUNT
\$1.40
R2304M109997-01



Pro Se

MG

US District Court
500 Pearl Street
New York, NY 10007-1312
Attn: Clerk Court

